



Town of South Bristol
6500 West Gannett Hill Road
Naples, NY 14512-9216
585.374.6341

Planning Board Meeting Agenda

Wednesday, March 20, 2019

7:00 p.m.

Call to Order

Pledge of Allegiance

Reading of Vision Statement

As stewards of both the land and the lake, we will preserve and protect our safe, clean, naturally beautiful, rural and scenic environment with thoughtfully planned residential, agricultural, recreational, and commercial development.

Meeting Etiquette

Minutes

Approval of February 20, 2019 Planning Board Meeting Minutes

Public Hearing

Final Site Plan Approval Application #2018-0010

Owners: Bertino Living Trust

Representative: Gary Schmitz

Property: 7040 State Route 21

Tax Map #: 195.05-1-1.200

Final Site Plan Approval Application #2019-0002

Owners: Sierra Kilo India LLC

Representative: Peter Fernandez

Property: 6586 County Road 33

Tax Map #: 183.00-1-25.110

Final Site Plan Approval Application #2019-0003

Owners: Joseph C. Briggs and Nancy P. Briggs, QPRT/Susan Kitchen, Trustee

Representative: Bill Grove

Property: 6529 Longs Point Drive

Tax Map #: 185.17-2-6.000

New Business

Site Plan Amendment Application #2018-0008

Owners: Thomas Hawks II
Representative: Bill Grove
Property: 6202 Stemple Hill Road
Tax Map #: 185.00-1-32.111

Site Plan Amendment Application #2018-0012

Owners: IGAHFY LLC
Representative: Venezia Associates
Property: 6551 Longs Point Drive
Tax Map #: 185.17-2-14.100

Preliminary Site Plan Approval #2019-0004

Owners: Kenneth Hayward
Representative: Bill Grove
Property: 6407 Old Post Road
Tax Map #: 185.14-1-18.311

Preliminary Site Plan Approval #2019-0005

Owners: Joel A. & Ann R. Shamaskin
Representative: David Samatulski
Property: State Route 21
Tax Map #: 191.09-1-17.000

Old Business

Proposed local law for short-term rentals

Review Code §170-38(C) request additional residential structures on same lot must have same postal address

Other

Motion to Adjourn

Town of South Bristol Planning Board Meeting Minutes Wednesday, March 20, 2019

Present: Mary Ann Bachman
James Ely
Ann Jacobs
Ann Marie Rotter
Sam Seymour
Michael Staub
Bessie Tyrrell

Excused: Ralph Endres
Rodney Terminello

Guests: Gary & Carol Schmitz
Peter Fernandez
Scott Harter
Ryan Stoner & Summer
Susan & Donald Kitchen
Bill Grove
Tom Hawks
Anthony Venezia
Ken Hayward
David Samatulski
Phil Greene
Peter Osborne
Calvin Wallace
Mike Peterson
Matthew DeVries
Phil Sommer
Keith English

Call to Order

The meeting of the Town of South Bristol Planning Board was called to order at 7:00 p.m. followed by the Pledge of Allegiance. All board members were present except for Ralph Endres and Rodney Terminello.

Reading of Vision Statement

Board member, Michael Staub, read the Comprehensive Plan Vision Statement.

Minutes

Chairman Ely called for a motion to approve the February 20, 2019 meeting minutes as written. Ann Marie Rotter made said motion, which was seconded by Michael Staub. The motion was unanimously accepted by all board members present.

Public Hearing

Final Site Plan Approval #2018-0010

Owners: Bertino Living Trust
Representative: Gary Schmitz
Property: 7040 State Route 21
Tax Map #: 195.05-1-1.200

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town of South Bristol Planning Board will hold a public hearing on the following application:

Application #2018-0010 for property owned by Bertino Living Trust located at 7040 State Route 21, Tax Map #195.05-1-1.200. The owner and representative are looking for site plan approval for a new 12 foot by 24 foot two-story storage shed and to repair driveway and retaining wall on the west side of State Route 21.

SAID HEARING will take place on the 20th day of March, 2019 beginning at 7:00 p.m. at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, NY 14512.

Application is available for review at the Planning and Zoning Office prior to the above meeting date.

All interested parties may provide written comments, appear in person or by representative.

[Public hearing opened at 7:03 p.m.]

Chairman Ely: Is the owner representative here?

Carol Schmitz: Yes.

Chairman Ely: Please introduce yourself for the record, please.

Gary Schmitz: I am Gary and Carol Schmitz representing the Bertino Family on this matter.

Chairman Ely: And you madam?

Carol Schmitz: I am Carol Schmitz.

Chairman Ely: Thank you. I understand that have been some changes since the preliminary meeting. Maybe you could describe the situation?

Gary Schmitz: From the first meeting?

Chairman Ely: Yes.

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Gary Schmitz: As far as I remember, it was left that we had to furnish historic/DEC communications with those people clearing for the permit. It involved the DEC with eagles situation, archeology department, New York State road people for issuing work permit, and Kevin Olvany's department for the watershed, which we have and should be included in the paperwork.

Chairman Ely: So actually what is your proposal?

Gary Schmitz: The proposal is to replace an approximate seven by eleven storage shed with a 12 by 24 foot pre-built storage shed on a base.

Chairman Ely: You had to go to the Zoning Board of Appeals is that correct?

Gary Schmitz: Yes. We did. They gave us the go ahead.

Chairman Ely: They gave you a variance?

Gary Schmitz: Yes.

Chairman Ely: Do board members have any questions?

[Some Board members responded no.]

Chairman Ely: Anyone in the audience have any questions or comments that they wish to bring at this time? Diane we have not received any written comments on this proposal.

Diane Graham: Not for this Board.

Chairman Ely: County's comments have already been received, correct?

Diane Graham: Yes.

Chairman Ely: Same thing for Kevin Olvany?

Diane Graham: Yes.

Chairman Ely: As the applicant has suggested, we already have letters involving the eagles with no impact on eagle habitat and no impact on archeological sites.

Gary Schmitz: Right.

Chairman Ely: It is not in an agricultural district or in a floodplain. With no other comments questions or comments I will declare the public hearing closed.

[Public hearing closed at 7:05 p.m.]

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Chairman Ely: Now we turn to the SEQR form. The Zoning Board of Appeals has already declared the SEQR a type II action requiring no further determination.

Jim Ely made a motion to concur with the decision of the Zoning Board of Appeals and declare this to be a type II action requiring nothing further and said motion was seconded by Michael Staub.

All in favor.

Aye: 7; M. Bachman, J. Ely, A. Jacobs, A. Rotter, S. Seymour, M. Staub, B. Tyrrell
Opposed: 0

Motion carried.

Findings:

Chairman Ely read the following proposed findings:

1. The proposed project is consistent with the comprehensive plan.
2. The proposed project is consistent with the zoning district in which the project is located.
3. The proposed project will not have an adverse impact on the physical or environmental conditions of the district.
4. The proposed project will not adversely affect the character of the neighborhood.

Michael Staub made a motion to accept findings 1-4 and said motion was seconded by Ann Jacobs.

All in favor.

Aye: 7; M. Bachman, J. Ely, A. Jacobs, A. Rotter, S. Seymour, M. Staub, B. Tyrrell
Opposed: 0

Motion carried.

Jim Ely made a motion to grant preliminary and final site plan approval to application #2018-0010, Bertino Living Trust, 7040 State Route 21 and said motion was seconded by Michael Staub.

All in favor.

Aye: 7; M. Bachman, J. Ely, A. Jacobs, A. Rotter, S. Seymour, M. Staub, B. Tyrrell
Opposed: 0

Motion carried.

Chairman Ely: When do you think this project will be started?

Gary Schmitz: The Bertinos are coming in beginning of June. Apparently Guy Rogers is under contract with him and hopes to start the second week of June.

Chairman Ely: Thank you.

Final Site Plan Approval #2019-0002

Owners: Sierra Kilo India LLC
Representative: Peter Fernandez
Property: 6586 County Road 33
Tax Map #: 183.00-1-25.110

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town of South Bristol Planning Board will hold a public hearing on the following application:

Application #2019-0002 for property owned by Sierra Kilo India LLC located at 6586 County Road 33, Tax Map #183.00-1-25.110. The owner and representative are looking for site plan approval to demolish the existing ski lodge and construct a single family residence and new septic system.

SAID HEARING will take place on the 20th day of March, 2019 beginning at 7:00 p.m. at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, NY 14512.

Application is available for review at the Planning and Zoning Office prior to the above meeting date.

All interested parties may provide written comments, appear in person or by representative.

[Public hearing opened at 7:10 p.m.]

Chairman Ely: Please introduce yourself for the record.

Peter Fernandez: I am Peter Fernandez. I am the landscape architect.

Chairman Ely: Please describe the project briefly.

Peter Fernandez: People in township are familiar with the 18 acre Ski Valley property. It has been vacant for a number of years. The intent is to build one single family residence on the property and tear down the old ski lodge. In that regard because it is a C-1 district it needed to go to the Zoning Board of Appeals to get a special use permit. We are back here now for the site plan public hearing.

Chairman Ely: You did you get the special use permit?

Peter Fernandez: Yes, we did.

Chairman Ely: So basically it is taking down the old ski valley property existing structure to build a single family residence?

Peter Fernandez: That is correct. In the packet you have a blow up plan to show we are using the existing driveways wherever we can to minimize the disturbance of the site. Having a curving linear driveway go up to the new residence and install a new septic system.

Chairman Ely: When do you envision this project would get under way?

Peter Fernandez: I would say pretty quickly. I think we wanted to take down the ski lodge prior to.

Chairman Ely: Board members have any questions? No. Anyone from the audience that wish to speak to this proposal?

Matthew DeVries: Is it possible for us to see the project?

[Peter Fernandez reviewed site plan with Matthew DeVries.]

Chairman Ely: Anyone else in the audience have questions, comments, concerns? Then I will declare the public hearing closed.

[Public hearing closed at 7:12 p.m.]

Chairman Ely: Let us consider County Planning. Have you comments back from County Planning?

Peter Fernandez: Yes. We have.

Chairman Ely: The septic system has been approved?

Peter Fernandez: Yes. The engineer is here tonight if you have any questions about that.

Chairman Ely: The storm water and erosion control?

Peter Fernandez: Some minor for this site. Yes.

Chairman Ely: That has been approved. Endangered species?

Peter Fernandez: None that came on the radar.

Chairman Ely: So we did not have any problems with eagles?

Peter Fernandez: No eagles.

Chairman Ely: You are not near an active farm or in a floodplain. So it seems to me we can proceed to the SEQR determination.

Diane Graham: There were no written comments.

Chairman Ely: Thank you. We proceed to the SEQR. The Zoning Board of Appeals has already declared the SEQR a type II action requiring no further determination.

Jim Ely made a motion to concur with the decision of the Zoning Board of Appeals and declare this to be a type II action requiring nothing further and said motion was seconded by Michael Staub.

All in favor.

Aye: 7; M. Bachman, J. Ely, A. Jacobs, A. Rotter, S. Seymour, M. Staub, B. Tyrrell

Opposed: 0

Motion carried.

Findings:

Chairman Ely read the following proposed findings:

1. The proposed project is consistent with the comprehensive plan.
2. The proposed project is consistent with the zoning district in which the project is located.
3. The proposed project will not have an adverse impact on the physical or environmental conditions of the district.
4. The proposed project will not adversely affect the character of the neighborhood.

Bessie Tyrrell made a motion to accept findings 1-4 and said motion was seconded by Michael Staub.

All in favor.

Aye: 7; M. Bachman, J. Ely, A. Jacobs, A. Rotter, S. Seymour, M. Staub, B. Tyrrell

Opposed: 0

Motion carried.

A motion was made by Jim Ely to grant preliminary and final site plan approval to application #2019-0002, Sierra Kilo India LLC, 6586 County Road 33 and said motion was seconded by Ann Marie Rotter.

All in favor.

Aye: 7; M. Bachman, J. Ely, A. Jacobs, A. Rotter, S. Seymour, M. Staub, B. Tyrrell

Opposed: 0

Motion carried.

Final Site Plan Approval #2019-0003

Owners: Joseph C. Briggs and Nancy P. Briggs, QPRT/Susan Kitchen, Trustee

Representative: Susan Kitchen / Bill Grove

Property: 6529 Longs Point Drive

Tax Map #: 185.17-2-6.000

LEGAL NOTICE
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town of South Bristol Planning Board will hold a public hearing on the following application:

Application #2019-0003 for property owned by Joseph C. Briggs and Nancy P. Briggs, QPRT Susan Kitchen, Trustee located at 6529 Longs Point Drive, Tax Map #185.17-2-6.000. The owner and applicant are looking for site plan approval to tear down and rebuild single family residence destroyed by fire.

SAID HEARING will take place on the 20th day of March, 2019 beginning at 7:00 p.m. at the South Bristol Town Hall, 6500 West Gannett Hill Road, Naples, NY 14512.

Application is available for review at the Planning and Zoning Office prior to the above meeting date.

All interested parties may provide written comments, appear in person or by representative.

Chairman Ely: We will take a short break while Diane goes to get a neighbor's response that was just emailed. Are we ready Diane?

Diane Graham: Yes.

[Public hearing opened at 7:18 p.m.]

Chairman Ely: I would like to have the applicant or representative come forward. Please describe the nature of the project. I know you are replacing a house that was destroyed.

Donald Kitchen: In December a family cottage which had been there since the 1920s and was rebuilt in the 1970s burned to the ground. No cause was ever determined. The plan is to rebuild the house exactly on the footprint that it was on. It was out of compliance. The codes have changed in the years since the property was built. We were looking to build on the same footprint, but with some modifications. We will have a holding tank instead of a septic system and things like that. Essentially it will be what was there before.

Chairman Ely: Bill, do you want to add anything to that?

Bill Grove: No. I do not think so. Well said.

Chairman Ely: Board members have any questions?

Michael Staub: We covered this before.

Chairman Ely: Anybody in the audience have any questions, comments or concerns? Diane does have a written comment. Would you read it for us?

Diane Graham: Yes.

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“Email from Leslie Wagner to Donald and Susan Kitchen

The best of luck to you, Susan, and Uncle Joe and Aunt Nancy as your new house is being built. It is so nice that you’re retaining the feel of the old place with so many nice memories.

Fondly,

Leslie”

Chairman Ely: I do not see that as a searing criticism.

Donald Kitchen: She is our next door neighbor.

Susan Kitchen: She calls my parents aunt and uncle. It is not because we are related. It is because our families have been their neighbors since the 1920s. Generations of neighbors.

Chairman Ely: I will close the public hearing.

[Public hearing closed at 7:21 p.m.]

Chairman Ely: Septic system has been approved, correct?

Bill Grove: It is a holding tank. Correct.

Chairman Ely: George Barden has signed off on that, right?

Bill Grove: Yes.

Chairman Ely: Storm water erosion been approved?

Bill Grove: Yes.

Chairman Ely: What about endangered species?

Bill Grove: We finally received on March 6 confirmation that the project would not impact eagle habitat. It was both DEC and Fish and Wildlife Service.

Chairman Ely: Archeological site determination?

Bill Grove: Same thing.

Chairman Ely: You are not in an agricultural district as I understand it. County Planning did have a number of suggestions and comments. You and I discussed those last time. Do you have anything to add?

Bill Grove: No.

Chairman Ely: You have attempted to address some of their concerns?

Bill Grove: Yes. I think we have.

Chairman Ely: SEQR.

Diane Graham: They are in a floodplain.

Chairman Ely: Floodplain permit required, right?

Diane Graham: Yes. We have the permit.

Bill Grove: We did not have it at the last meeting, but we already have it.

Chairman Ely: Thank you. SEQR determination. Zoning Board of Appeals did not pass on this?

Bill Grove: No. There were no variances required.

Chairman Ely: No variance required because you are building on the same footprint. The short environmental assessment form here we can answer questions 1-11 as small or no impact.

A motion was made by Jim Ely to answer the questions 1-11 in the negative and that you authorize me to sign this form on behalf of the board and said motion was seconded by Michael Staub.

All in favor.

Aye: 7; M. Bachman, J. Ely, A. Jacobs, A. Rotter, S. Seymour, M. Staub, B. Tyrrell
Opposed: 0

Motion carried.

A motion was made by Jim Ely to declare this to be a type II action under SEQR requiring no further determination and said motion was seconded by Michael Staub.

All in favor.

Aye: 7; M. Bachman, J. Ely, A. Jacobs, A. Rotter, S. Seymour, M. Staub, B. Tyrrell
Opposed: 0

Motion carried.

Findings:

Chairman Ely read the following proposed findings:

1. The proposed project is consistent with the comprehensive plan.
2. The proposed project is consistent with the zoning district in which the project is located.

3. The proposed project will not have an adverse impact on the physical or environmental conditions of the district.
4. The proposed project will not adversely affect the character of the neighborhood.

Ann Marie Rotter made a motion to accept findings 1-4 and said motion was seconded by Michael Staub.

All in favor.

Aye: 7; M. Bachman, J. Ely, A. Jacobs, A. Rotter, S. Seymour, M. Staub, B. Tyrrell

Opposed: 0

Motion carried.

A motion was made by Jim Ely to grant preliminary and final site plan approval to application #2019-0003, Joseph C. Briggs and Nancy P. Briggs, QPRT Susan Kitchen, Trustee, 6529 Longs Point Drive and said motion was seconded by Michael Staub.

All in favor.

Aye: 7; M. Bachman, J. Ely, A. Jacobs, A. Rotter, S. Seymour, M. Staub, B. Tyrrell

Opposed: 0

Motion carried.

Chairman Ely: When will you start building?

Donald Kitchen: Right away. Our contractor Dale Stoker is ready to go.

New Business

Site Plan Amendment #2018-0008

Owners: Thomas Hawks II

Representative: Bill Grove

Property: 6202 Stemple Hill Road

Tax Map #: 185.00-1-32.111

Chairman Ely: We already approved this site plan last October. Mr. Hawks is proposing some changes and modification from what was approved. Now in consultation with our code officer I have determined that we could have one meeting for this amendment unless the board disagrees and we can do a preliminary and final review meeting. I see no reason to make extra work for the code officer or Mr. Hawks. So in any event, Mr. Hawks, would you please come up and introduce yourself for the record. Please describe your changes.

Tom Hawks: I am Tom Hawks. I live at 6202 Stemple Hill Road. I proposed a home in October that was beyond my budget. So I decided to go back and change it to make it smaller. The building will be on the exact same location. One wing is shorter by two feet and I added an entryway, which has a cover on it and I removed a screened in porch. There should be less roof area then previously. There will be no other disruptions to the site.

Bill Grove: In addition since I prepared the site plan the distance from the road to the revised house location is actually a few feet further than the previously approved. He is no closer to the road and he is actually a little further, which is somewhere in the neighborhood of 332 feet. It is a long ways. I think it was 309 before now it is 332.

Michael Staub: I do not see anything that would shout to redo the work. It is a smaller footprint. I am satisfied.

Chairman Ely: Any other questions for Mr. Hawks? Are we agreed we can go ahead by motion to accept the amendment to the site plan?

A motion was made by Michael Staub to grant site plan amendment approval for application #2018-0008, 6202 Stemple Hill Road, which supersedes in part the site plan granted on October 17, 2018 and said motion was seconded by MaryAnn Bachman.

All in favor.

Aye: 7; M. Bachman, J. Ely, A. Jacobs, A. Rotter, S. Seymour, M. Staub, B. Tyrrell
Opposed: 0

Motion carried.

Tom Hawks: Thank you. We are going to start building on April 1st.

Chairman Ely: Very good.

Site Plan Amendment #2018-0012

Owners: IGAHFY LLC
Representative: Venezia Associates
Property: 6551 Longs Point Drive
Tax Map #: 185.17-2-14.100

Anthony Venezia: I am Anthony Venezia. I represent IGAHFY LLC. Basically we do have approval for the dock. Dock construction has begun on the main walkway. As this was being built the owner requested us to mirror the whole dock. Instead of the boat house and platform being on the west side of it, it is going to be on the east. The same configuration. We are flopping it. It is still within all the regulations and setbacks. If there are any questions, I would be happy to answer them.

Chairman Ely: You are in compliance with the docking and mooring law?

Anthony Venezia: Correct.

Chairman Ely: Does anybody wish to speak to this in the audience?

Diane Graham: I have something in writing.

Chairman Ely: We did get written comments?

Diane Graham: Yes. Rocco Venezia received it in an email.

Anthony Venezia: We did get that.

Diane Graham: Did you send it to the owners?

Anthony Venezia: They are well aware of it.

Chairman Ely: Was that sent to the board members?

Diane Graham: Yes. It was an email and attachment that was sent to the board members, Venezia and Associates and they forwarded it on to the owner.

*“To: James Ely, Chair, Planning Board
Re: Site Plan Amendment Application #2018-0012*

We appreciate the opportunity to comment on the change to the dock application referenced above. The dock layout has been flipped, so that the boat slip is now much closer to our Chadwick property line, at 6547 Long's Pt. This change impacts us negatively in 2 ways:

1. Boats and Jet Ski traffic will come much closer to our house, as well as our outdoor seating areas. A review of the current neighboring structures reveals that the former dock configuration had less impact on existing neighboring structures.

2. More important than the esthetic issues of the new dock design is that the new layout increases the likelihood of a potentially disastrous water accident. As was mentioned during the December meeting, we are avid swimmers and since we enjoy daily exercise swims, we are in the water regularly. I assume that the Board knows that the Flaums own the lake front properties on both sides of our property. Undoubtedly, once the new dock is constructed, there will be a lot of boat/jet ski traffic going back and forth between their properties. It is not hard to imagine that boats, and especially jet skis, could easily drift into our swimming area as they make a quick dash over to the other dock. This is a very frightening situation for swimmers! It should also be mentioned that the Flaums have many grandchildren, some of whom will soon be reaching the age when they can go out on jet skis alone. I'm sure you all know that it's quite difficult to see the head of a swimmer, if you aren't watching very carefully. We feel that the newly proposed dock layout greatly increases a swimmer's risk, while swimming in front of our house, and the town should put the safety of swimmers above someone else's desire to have their preferred view.

In conclusion, the Chadwicks strongly oppose the newly proposed dock layout and we respectfully ask the Board to retain the dock design as presented at the January 16th meeting.

*Janina A. Chadwick Oliver A. Chadwick Alena F. Chadwick
Owners, 6547 Long's Pt. Dr.”*

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Anthony Venezia: I did bring an aerial image of this site. I understand the concern with some of the boating safety. This is the Flaum family residence. It is not really a straight shot between houses. They have to go around a point. One of the major rules of Canandaigua Lake is you are not allowed to operate within 200 feet from shore line. As long as people are obeying and respecting the law and the people around it, I do not think it is a negative impact. I think there is going to be less impact on this side because more boats will be on the other side of it. This is going to be where owners keep the boat. More people pulling up to the dock are actually going to be on the other side of it away from that swimming area. You can see that the Chadwick's have roughly 200 feet of shoreline there.

This is the proposed. This is the new layout. You are going to see where the shelf goes out. I think it gives you a little bit more of a perspective.

Chairman Ely: This is a mirror image?

Anthony Venezia: This is a mirror image. If you are looking at this originally, the main dock stayed the same and basically flipped this. It is the same size. It is the same view line. When they started to build, they requested that the dock owner shift it.

Mary Ann Bachman: The first plan was closer to the Connors?

Anthony Venezia: Yes. Correct.

Mary Ann Bachman: The second plan that was approved last time we met was more in the middle, right?

Anthony Venezia: Yes. The dock lines stays the same. This whole thing was flopped. It was pretty much in the middle and it will stay within our offsets and not really pushing the envelope.

Mary Ann Bachman: The last one looked more centered.

Anthony Venezia: Yes. The main walkway stayed exactly in the same location. We just totally mirrored it.

Mary Ann Bachman: Why change it?

Anthony Venezia: I am not sure. I am guessing because of the pool location and the boat house because it is going to have a hoist on it that they were looking for a better location.

Mary Ann Bachman: A view.

Chairman Ely: This is the Flaums main residence, correct?

Anthony Venezia: Correct.

Chairman Ely: This is the existing dock?

Anthony Venezia: Existing dock is correct.

Chairman Ely: So people that would come to visit them would probably use these docks?

Anthony Venezia: Correct. I would assume so. Normally they use that when they use the pool.

Chairman Ely: To use the pool?

Anthony Venezia: Correct.

Bessie Tyrrell: Are there other ways to get to the pool?

Anthony Venezia: Yes. They could drive around easily. They do not have to use jet skis and boats. They have access. The same road comes in and there is access for this house, this house and this house all off the same road.

Chairman Ely: This is the pool?

Anthony Venezia: That is the pool, correct.

Bessie Tyrrell: But if you wanted lunch?

Anthony Venezia: If you wanted lunch you could walk over, drive over, or swim over. Pretty much any way you wanted to. It is a small community area. They definitely use different ways to get around.

Sam Seymour: Being that this is a relatively large slip. Twenty-six feet long is big for most slips on the lake. Can you make this a hip roof so the profile is not as large for the neighbors?

Anthony Venezia: I can ask what their options are for that.

Sam Seymour: Any time you can make that profile smaller would be a benefit.

Anthony Venezia: The basis of the letter was along the lines of safety. The dock is going to be there.

Sam Seymour: I am talking about view scape.

Anthony Venezia: I can ask the dock builder and the client if they would consider that.

Bessie Tyrrell: How long has the pool been there?

Anthony Venezia: The pool has been there since 2014 or 2015.

Chairman Ely: Aside from maybe a pool house of some kind there is no residence in this portion at all?

Anthony Venezia: There is a small residence right there. It is a small cottage. They have over 100 feet of frontage so technically they could actually put a bigger dock in there if they wanted to. They are staying with their scale down a platform with a hoist.

Chairman Ely: Your thought is that, see if I understand you, primarily the letter regarding safety issues.

Anthony Venezia: Correct. That is what I get from the whole thing.

Chairman Ely: That is what I think.

Anthony Venezia: Which makes sense.

Chairman Ely: You are saying that it is perhaps over reading on their part, right?

Anthony Venezia: The area that the dock is in is not a big area for it. So whether it is one way or the other you are still going to have people, folks and whatnot. There are different laws in place to maintain safety. If you are within 200 feet of the lake and you create a wake that damages someone's property, it is their responsibility.

Ann Marie Rotter: If they hit a head that is in the water?

Anthony Venezia: It is their responsibility.

Bessie Tyrrell: Was there a dock there before?

Anthony Venezia: They had a seasonal dock.

Bessie Tyrrell: These swimmers have been used to something being there?

Anthony Venezia: Two people are going in and out. Just looking at it from the perspective whichever way this is oriented it is still going to have boat traffic with people in and out. The main house is on the other side.

Michael Staub: The concern is also about an increase use of the property and more people are going to be using it as well.

Anthony Venezia: It could very well could be.

Michael Staub: Just for common sense and talking to them. Would it be okay to post some kind of notice on this dock or around that notifies skiers, ski doers and boaters that there are swimmers in the area that they have to be cautioned? By posting that sign there and showing your neighbors that you were doing that it might resolve the problem?

Anthony Venezia: I can very well run it by the client to see if they are willing to put some sort of notification or maybe a buoy. Like I said before it is still going to be there then you have more buoys on the lake. The dock is not going to require one. It just opens it up for more obstacles.

Michael Staub: A sign that you read to for the family members or people that are going to use this dock to let them know that there are swimmers in the area that have to exercise caution. You let the concerned party know that you are going to notify the people that use that dock with this sign that may alleviate the problem up front. As you said, the laws are already there. It does not stop someone from abusing the law. This would show their intent not to disrupt the neighbors swimming.

Anthony Venezia: I definitely can look at that.

Michael Staub: Just a suggestion.

Chairman Ely: It is just a neighborly gesture that might mollify some of the concerns the Chadwicks had suggested. That is a thought you and your clients can consider.

Anthony Venezia: Yes. We can ask them. Tom can reach out to the Chadwicks and see how that works. It is not typically done. The towns have gone through a very long process determining the safety protocols with this uniform law. We are 100% within those bounds. I can ask them if they will do it.

Chairman Ely: Thank you. Any other questions? As we have been on previous occasion been advised, this Board has very limited jurisdiction over docking and mooring. We can ascertain that an applicant is compliant with the docking and mooring law, but we have very little authority beyond that point. I would hope some neighborly gesture might be made to the concerned party. I do not see any alternative for us to offer a motion to accept the amendment to the existing site plan approval granted back in January. I do not see a need to have a whole public hearing on this. It is too minor. Do we all agree on that? Okay. Can I have a motion grant the application to amend the site plan granted in January 16 to encompass the changes that have been proposed to us?

A motion was made by Bessie Tyrrell to grant site plan amendment approval for application #2018-0012, 6551 Longs Point Drive, which supersedes the site plan granted on January 16, 2019 and said motion was seconded by Michael Staub.

All in favor.

Aye: 6; M. Bachman, J. Ely, A. Rotter, S. Seymour, M. Staub, B. Tyrrell
Opposed: 1; A. Jacobs

Motion carried.

Anthony Venezia: Thank you.

Preliminary Site Plan Approval #2019-0004

Owners: Kenneth Hayward
Representative: Bill Grove
Property: 6407 Old Post Road
Tax Map #: 185.14-1-18.311

Chairman Ely: Please introduce yourself and describe the proposal to us.

Bill Grove: I am Bill Grove with Grove Engineering. Nice to see you folks again. I am here tonight to representing Ken Hayward. He owns the property at 6407 Old Post Road. If you go down Hawks Road and then cut back on Old Post, it is the last house you can get to on Old Post. He is currently proposing a new storage building down at or near the shoreline of the property. The existing house there is a couple different ways to get there now. One is on the neighbor's property. There is a trail that was cut in when the two properties were owned by a brother and sister. They shared a common access way to the shoreline. There is off of the dead end, south end of Old Post Road that road loops around and connects that is the way they will access the building during construction so that they do not have to use the neighbor's property to get there. The proposal is to build a two-story storage building, but it is essentially

a walk out basement and a storage space on the upper floor. It is on a sloping site so it will be cut into the hillside. On the lower level it will be walk-in basement level and upper floor walk in from the upper side. It will require a small retaining walls. The structure itself will act as the retaining wall to hold the soil in place. Ken Hayward will talk about why he wants to do this.

Kenneth Hayward: We do have a house on the property way up the hill. During the summertime we are out on our dock or boating and there is no place for us to keep any of our boat equipment, life preservers that kind of stuff. We also have a need of storage for Jet Ski, kayaks, canoe, inflatables, etc. Rather than having to truck everything up and down the hill time and time again we finally decided we needed a storage building. We also wanted to have a retaining wall for that bank. Someone had a bright idea if we make the retaining wall also the foundation for the storage building, we could kill two birds with one stone. We want to make sure there were two means of egress. In order to clearly from the beach level it is easier to get in from there, but there was no other way to get out because the bank is behind us. We ended up with a plan where you could walk in from the top level staircase and walk out to the bottom. There is two ways to get in and out. The other thing we wanted to control the run-off on the property. Bill's plans includes how to manage our drainage situation.

Chairman Ely: Can you describe that to us?

Bill Grove: On the plan we stayed to the west of the house at the edge of the existing parking area I have a catch basin proposed there. That is generally a wet spot now. It seems to be wet all the time. It is not necessarily spring it is not graded such that it can run off of there. I have a proposed drain tile along the hillside edge of that driveway into the catch basin and add some grading work to collect water coming off the hillside there. Piping that to the shoreline. Right now the water that does come down that makes it over the driveway has found its way into the trench of the existing waterline. When it was put in it was never back filled properly. It settled over time and the water course is now that water line trench. It continues to be an erosion problem there. Ken has done what he can to deal with it, but we are going to relocate water line around there and basically remedy that problem with water flowing over the land to get to the shoreline on that steep part. We will channelize it there. We are also going to collect the roof drainage and daylight that to the same point. That was a comment from the County about storm water and what we are doing with that. I can talk about that now.

Chairman Ely: I have County Planning's comments here before me:

1. *"Daylighting the footer drain and the drainage tile to be added along the existing gravel driveway at the mean high water line does not provide any opportunity for filtering of run-off."*

Bill Grove: I emailed this answer to Phil and Diane.

"The proposed storm sewer line and footer drain should be day lighted near the shoreline. There is limited space on the site, so installing an infiltration device for filtering of runoff is not possible. In addition, the shoreline area is comprised of shale beach stone, which is very permeable. The storm water that daylights onto the proposed splash pad near the shoreline will infiltrate into the shaley beach, filtering it before it enters the water table. This is also a vast improvement over the existing condition, which is an eroded swale extending from the existing parking area down to the beach. This swale follows the water service line and currently sends

sediment-laden water to the shoreline in any runoff event. This eroded swale will be repaired/restored properly as part of the project, keeping sediment out of the lake.”

It is my professional opinion the site does not justify some sort of an elaborate filtering mechanism. I think that by collecting water in the catch basin, moving filtration into that we will call a French drain or curtain drain along the edge of the parking area so as it trickles through the stone into collection pipe, into the catch basin and the into the shoreline, we will get some filtration there. Instead of flowing over the ground at the steep part of the hill we are channelizing that and sending it to a very permeable area of the property above the mean high water line so we do not need a DEC permit.

2. *“There is no scale bar on the site plan.”*

Bill Grove: If you look at the last few plans I have submitted, I do not think any of the other ones had a scale bar on it. I have added one to the plan. They are talking about this bar so they can use a piece of paper to do some measurement. I have revised plans.

Unfortunately, I am not going to be here for next month's meeting. I am hoping if there are any concerns, I can answer them today and get them incorporated into the plans, if we have to so when Ken comes back next month there are no major surprises.

Chairman Ely: You do not have to get anything from the Zoning Board of Appeals?

Bill Grove: Correct.

Chairman Ely: What about archeological site and bald eagle habitat?

Bill Grove: Yes. We have sign off on both of those.

Chairman Ely: Very good. There is no septic involved because it is going to be storage?

Bill Grove: Correct.

Sam Seymour: It is so far away from the house.

Ann Marie Rotter: Everyone still has to go up the hill.

Kenneth Hayward: Yes. Everyone still has to go up the hill. We are not on a huge budget here. Some point in the future, we would love to have a sink and toilet in that building. We actually have a plan of where we want that to go. Ultimately, we want to take the waste from that toilet and sink and pump it back up the hill to our existing system.

Bill Grove: It has come up on projects that I have worked on where you can have two flowing on one lot. I talked with Ken at length about the possibility of doing that. He is not interested in doing at this point. I explained to him the process by which if he decided in the future to do that, he would have to go through. As long as he does not add any additional bedrooms then for septic purposes he could put in a let's say a

grinder pump tank in that building and pump it up to the existing system. There would be no increase in the demand on that system, because you are not adding bedrooms. If he added any bedrooms and considered that to be a second dwelling, he would have to do something with septic. It may be possible to expand that or he may need a whole new system for this.

Michael Staub: What is the system rate for now?

Bill Grove: I believe it is a three bedroom. I designed that one years ago. It is an aerobic unit with a full raised fill system. It sits below the house.

Michael Staub: As long as he does not have any added people?

Bill Grove: Correct. As long as there are no added bedrooms. Theoretically you do not have any added people so they could either use the bathroom in the house or at the beach, but you are not adding more water by adding a toilet. It is the same in principle as if you wanted to get a shop in your garage and add a bathroom there because it is easier to use that. Of course, it would have to be approved by George Barden at the Watershed office.

Ann Marie Rotter: But that is up the road?

Kenneth Hayward: That is up the road for us.

Bessie Tyrrell: Does it interfere with what the neighbors will look at?

Kenneth Hayward: We are on a cove so where this building will sit is farther away from the water than our neighbors.

Bill Grove: They are on the inside of the curve.

Bessie Tyrrell: I see. It is 25 feet from the shoreline?

Bill Grove: Yes. Right at the northeast corner of the setback line, which is 25 feet from mean high water. The average height of the peak is 24 feet, but it is not a tall structure because of the way it is sitting into the hillside.

Sam Seymour: Except for the view from the lake.

Bill Grove: From the lake it will look like a two-story building.

Sam Seymour: What color?

Kenneth Hayward: Looks like right now it is going to be earth tones with light sort of putty color with some green accents.

Chairman Ely: Any more questions? What we will do is schedule this for public hearing for the April meeting.

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Bill Grove: Okay and again if you know of anything now that might come up that would be helpful.

Diane Graham: Did you say that you have updated site plans?

Bill Grove: Yes. Do you want them?

Diane Graham: Yes. Please.

Bill Grove: The only change is the bar scale.

Preliminary Site Plan Approval #2019-0005

Owners: Joel A. & Ann R. Shamaskin

Representative: David Samatulski

Property: State Route 21

Tax Map #: 191.09-1-17.000

Chairman Ely: Please come forward. Introduce yourself for the record and describe your project.

David Samatulski: My name is David Samatulski. I am representing Joel and Ann Shamaskin. Our clients want us to add a swim platform on the south side of their dock. This is all within compliance of the Uniform Docking and Mooring Law. There is one section of the dock that is not conforming. That is the section on the north side that you see grayed out. We will be removing that section so that when we are done the entire dock is compliant. There is no boat hoist or permanent rope stretchers or anything in there. This is just decking.

Sam Seymour: The docking and mooring law is relatively new to this Board. We just started dealing with docks. This has a deck over the storage beach house. Is that square footage added in the total?

David Samatulski: That is not. That is an unplanned structure.

Sam Seymour: It is an unplanned structure even though it overhangs the mean high water line it not's a contributor to the overall square footage of the dock as far as the code is concerned?

David Samatulski: As far as I know it is not. It is also over existing dock. As far as I have read and understood the docking and mooring law that would be an unplanned structure. There is a picture in the packet.

Chairman Ely: That is a storage unit under the stairs?

David Samatulski: Yes.

Chairman Ely: Is that going to remain?

David Samatulski: That remains. Yes. That is within 120 square feet, which is the limit in the docking and mooring law. That is also considered in the total square footage.

Bessie Tyrrell: This stair would be gone, right?

David Samatulski: No. Just a section of it. In the docking and mooring law this is the facility area line. That is determined by both neighbor's property lines. You are not allowed to be within ten feet of this line. This section is pre-existing but it is not conforming because it is within ten feet of it. That is why we are moving this area here. Not this whole area. Just the part over the line.

Chairman Ely: Any other questions? We will schedule this for a public hearing at the April meeting. I see that you have your eagle determination already.

David Samatulski: The eagle one and the archeological site one.

Chairman Ely: Thank you.

Old Business

Proposed local law for short-term rentals

There was discussion about exploring a combined meeting with Planning Board and Zoning Board of Appeals in April. Board members are to reply to email on short term rental review with comments.

Review Code §170-38(C) request additional residential structures on same lot must have same postal address

This item was deferred to the next meeting.

Other

Sands Guest House Update

There was discussion about Sands guest house site plan amendment review with a preliminary and final meeting or one meeting. The site plan is being reduced and will be converted to a carriage house with living space above garage.

Motion to Adjourn

Being no further business, Michael Staub made a motion to adjourn the meeting and it was seconded by MaryAnn Bachman. The motion was unanimously accepted and the meeting was adjourned at 8:30 p.m.

Respectfully submitted,



Diane Scholtz Graham
Board Assistant